

## **702 KAR 5:080. Bus drivers' qualifications, responsibilities, and training.**

RELATES TO: KRS 156.160, 161.011, 189.540, 49 C.F.R. 382.101-382.605

STATUTORY AUTHORITY: KRS 156.160(1), 189.540

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160(1) requires the Kentucky Board of Education to promulgate administrative regulations relating to the transportation of children to and from school and to medical inspections and other matters deemed relevant to the protection of the physical welfare and safety of public school children. KRS 189.540 requires the Kentucky Board of Education to promulgate administrative regulations governing the design and operation of school buses. This administrative regulation establishes the qualifications and responsibilities of the school bus driver.

Section 1. (1)(a) A local board of education shall require annual medical examination of each school bus driver or driver of a special vehicle used to transport school children to and from school and events related to the school.

(b) To ensure student safety, a district may require a school bus driver to pass a routine medical examination or a special type medical examination more often than annually at the district's expense.

(c) A current Medical Examination Report, form TC94-35E and supplement (TC 94-35E and the Supplement to TC 94-35E) for each school bus driver shall be retained by the district.

(2) The medical examination shall include tests for:

- (a) Hearing and vision disorders;
- (b) Emotional instability; and
- (c) Serious medical conditions including:

1. Diabetes;

2. Epilepsy;

3. Heart disease; and

4. Other chronic or communicable diseases if indicated in the opinion of the licensed medical examiner.

(3) The examination shall include risk assessment and appropriate follow-through, as established in 704 KAR 4:020, Section 1, for tuberculosis upon initial employment.

(4) A medical examination of a school bus driver shall be reported on the Medical Examination Report, form TC94-35E and supplement, and shall be submitted to the local superintendent or the superintendent's designee.

Section 2. (1)(a) A criminal records and driving history check shall be performed by a local district on school bus drivers prior to initial employment and after a break in service (excluding summers).

(b)1. Employment shall be contingent upon meeting the requirements of paragraph (a) of this subsection.

2. A local board of education shall adopt policies outlining employment qualifications as related to these criminal records and driving history checks.

(c) A school bus driver shall immediately report to the local superintendent or the superintendent's designee a:

1. Revocation of the driver's license;

2. Conviction for DUI or DWI;

3. Conviction for reckless driving; or

4. Citation for a moving motor vehicle violation, including:

a. DUI or DWI;

- b. Reckless driving; or
- c. A violation of state or local law governing motor vehicle traffic control, other than a parking violation.

(2)(a) Controlled substance and alcohol use testing shall be a condition of employment for anyone in a safety sensitive position, including:

- 1. School bus drivers;
- 2. School bus mechanics; and
- 3. Other safety-sensitive jobs requiring a CDL license.

(b) The controlled substance and alcohol use testing program shall include the following tests:

- 1. Preemployment testing (controlled substance only);
- 2. Postaccident testing;
- 3. Random testing; and
- 4. Reasonable suspicion testing.

(c) Prospective employees who have tested positive for a controlled substance within the last five (5) years shall not be considered for employment to drive a school bus or the performance of safety-sensitive services related to pupil transportation.

(d) A school bus driver, school bus mechanic, or anyone performing safety-sensitive pupil transportation duties having a confirmed positive test for a controlled substance shall be relieved of those duties immediately and not be eligible for reemployment for five (5) years.

(e) A school bus driver, school bus mechanic, or anyone performing safety-sensitive pupil transportation duties who tests at 0.02 percent or higher on the confirmation alcohol test immediately before, during, or immediately following the performance of these duties shall be relieved of these duties immediately and not be eligible for reemployment in a safety-sensitive position for five (5) years.

(f) A person shall not be employed as a school bus driver if convicted within the past five (5) years of DUI or DWI.

(g)1. A person shall not drive a school bus unless the person is physically or mentally able to operate a school bus safely and satisfactorily.

2. If there is limitation of motion in joints, neck, back, arms, legs, or other body parts, due to injury or disease that may limit the driver's ability to safely perform the task of driving a school bus or performing other driver responsibilities, the person shall not be employed as a school bus driver.

3. Pursuant to KRS 161.011, a temporarily-injured or ill bus driver may be assigned duties other than driving until the employee regains the ability to safely perform school bus driver duties.

(h) A driver taking medication either by prescription or without prescription shall report to the immediate supervisor and shall not drive if that medication may affect the driver's ability to safely drive a school bus or perform other driver responsibilities.

Section 3. (1) A person shall not drive a school bus unless the person has:

(a) Visual acuity of at least 20/40 (Snellan) in each eye either without corrective lenses or by correction with corrective lenses;

(b) Form field vision of not less than a total of 140 degrees; and

(c) The ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

(2) A driver requiring correction by corrective lenses shall wear properly prescribed corrective lenses at all times while driving.

Section 4. (1) A person shall not drive a school bus if the person's hearing is less than 7/15 in the better ear, or if hearing loss is greater than forty (40) decibels if an audiogram is used, for con-

versational tones, with or without a hearing aid.

(2) A driver requiring a hearing aid shall wear properly operating aids at all times while driving.

Section 5. A school bus driver shall be at least twenty-one (21) years of age.

Section 6. (1) A school bus driver shall have a current, valid Commercial Driver's License with applicable endorsements and restrictions.

(2)(a) Prior to acceptance into the school bus driver training program, a driver applicant shall be required to demonstrate driving skills judged by a certified driver training instructor to meet acceptable performance standards as outlined in Preemployment Road Test found in the School Bus Drivers Curriculum Instructor's Manual.

(b) The Preemployment Road Test Score Sheet supplied by the Department of Education shall become a part of the driver's training record.

(c) A driver shall demonstrate the following skill levels:

1. Vehicle knowledge; and

2. Driver ability to

a. Perform steering, maneuvering, and braking;

b. Use mirrors;

c. Demonstrate

(i) Ninety (90) degree left hand turns steering technique;

(ii) Ninety (90) degree right hand turns steering technique;

(iii) Correct operating posture;

(iv) Visual awareness;

(v) Backing ability using mirrors only; and

(vi) Demonstration of spatial awareness.

Section 7. (1) Minimum training requirements to become a school bus driver shall consist of the training course developed by the Kentucky Department of Education and three (3) driver review, evaluation, and instruction components.

(2) A person shall not be certified to teach the school bus driver training curriculum until that person has:

(a) Satisfactorily completed a minimum of thirty-three (33) of hours classroom and driving instruction conducted by the Department of Education and relevant to the driver training curriculum; and

(b) Been issued an instructor's certificate by the commissioner of education.

(3) Instructors shall be required to renew their certificates annually by completing six (6) hours of update training conducted by the Department of Education.

(4) The School Bus Driver Training Course core curriculum shall consist of the following instructional units and minimum instructional times:

(a) Laws and regulations, which shall include at least two (2) hours of instructional time;

(b) Driving fundamentals, which shall include at least two (2) hours of instructional time;

(c) Care and maintenance, which shall include at least two (2) hours of instructional time;

(d) Critical situations one, which shall include at least one (1) hours of instructional time;

(e) Incidents and emergency procedures, which shall include at least two (2) hours of instructional time;

(f) Pupil management, which shall include at least two (2) hours of instructional time;

(g) First aid, which shall include at least one (1) hours of instructional time;

(h) Special education transportation, which shall include at least one (1) hours of instructional time;

- (i) Extracurricular trips, which shall include at least one (1) hours of instructional time;
- (j) Vehicle operations, which shall include at least three (3) hours of instructional time;
- (k) Vehicle control at speed, which shall include at least one (1) hours of instructional time; and
- (l) Bus route identification, driver review and instruction, which shall include at least two (2) hours of instructional time.

(5) Upon successful completion of the core curriculum, the school bus driver applicant shall complete the following:

(a) Driver review I, evaluation and instruction, which shall include at least two (2) hours of instructional time within the first five (5) days of driving;

(b) Driver review II, evaluation and instruction, which shall include at least two (2) hours of instructional time after not less than twenty (20) days and not more than thirty (30) days of driving; and

(c) 1. Driver review III evaluation and instruction, which shall include at least one (1) hour of instructional time within three (3) to six (6) months of completion of driver review II.

2. Driver review III shall be done with students on the bus.

Section 8. (1)(a) Prior to the beginning of each school year, a certified driver shall complete an eight (8) hour training update relevant to the curriculum.

(b) Each district shall be responsible for planning and conducting its own update based on the needs of its drivers and to ensure student safety. A district unable to administer its own eight (8) hour update shall receive prior written approval from the Department of Education before sending a driver to receive the training from another district.

(2) Discontinuance of driver employment and subsequent reemployment shall require the driver to become requalified by a training update within the twelve (12) month period following the driver's certification termination date.

(3) A driver who does not complete the training update and recertification as required by subsection (2) of this section shall be required to complete the beginning training program.

Section 9. If an emergency makes it necessary for the driver to leave the bus while pupils are on board, the driver shall:

(1) Move the bus to a safe location if possible;

(2) Stop the engine;

(3) Shift the bus to low gear or place in neutral if automatic equipped;

(4) Set the parking brake;

(5) Remove the ignition key; and

(6) Place one (1) of the older responsible pupils in charge during the driver's absence if appropriate.

Section 10. A driver shall operate the school bus at all times in a manner that provides the maximum amount of safety and comfort for the pupils under the circumstances.

Section 11. (1) A driver shall supervise the seating of the pupils on the bus and may assign a pupil to a specific seat on the bus.

(2)(a) The driver shall make certain the seating capability of the bus has been fully utilized before any pupil is permitted to stand in the bus aisle.

(b) A driver shall not permit pupils to stand:

1. In the stepwell or landing area;

2. If the pupil would likely fall out of the bus if the emergency door were opened; or

3. If the driver's view directly in front of the bus or to either side of the front of the bus would be

obscured.

(3) A driver shall report to the superintendent or a designee an overcrowded condition on the bus.

Section 12. (1) A driver shall transport only those pupils officially assigned to a particular bus trip unless an unassigned pupil presents the driver with a written permit to ride the bus trip that has been signed by the school principal or a designee.

(2) Except as provided in Section 18(2)(c) and (d) of this administrative regulation, a driver shall not permit an assigned pupil to leave the bus at a stop other than where the pupil regularly leaves the bus unless presented with a written permission signed by the principal or a designee.

Section 13. A driver shall not transport a person who is not a student, including adult employees of the board, unless provided with written permission from the district superintendent or a designee.

Section 14. A board of education shall develop a policy regarding what may or shall not be transported on a school bus. The policy shall include the following:

(1)(a) A driver shall not knowingly permit any firearms or weapons, either operative or ceremonial, to be transported on the bus.

(b) The driver shall not knowingly permit fireworks or other explosive materials of any type to be transported on the bus;

(2) A driver shall not permit to be transported on the bus:

(a) live animals, except for an animal that is:

1. To enable a person to safely utilize the bus transportation as documented by:

a. Adequate medical evidence; or

b. A student's Individual Education Plan; and

2. Not a risk to other bus riders;

(b) A preserved specimen that would likely frighten a pupil or cause a commotion on the bus; or

(c) Glass objects or helium balloons; and

(3) A driver shall not permit the transportation of an object that may block the bus aisle or exits.

Section 15. A driver shall not permit a pupil to operate the entrance door handle or any other bus control except in case of an emergency.

Section 16. (1) A driver shall activate the flashing amber signal lights at least 150 feet, if available, or a sufficient distance from a bus stop to warn motorists of the intended stop.

(2) Once the bus comes to a complete stop, the driver shall follow the loading and unloading procedure outlined in Chapter 7 of the School Bus Drivers Curriculum Instructor's Manual.

Section 17. For safety reasons, a driver shall not permit fueling of the bus while pupils are on board the bus.

Section 18. If a pupil's conduct on the bus makes it unsafe for the bus to continue on its route, the driver shall:

(1) Make a determination as to the potential danger to other students on the bus; and

(2) Take action against the student by:

(a) Requesting that the student stop engaging in the prohibited conduct;

(b) If feasible, sending for assistance if the student fails to comply with the driver's order or request;

(c) Ordering the student to leave the bus; or

(d) Ejecting the pupil from the bus.

1. Ejecting a pupil from the bus shall be done only in the most extreme circumstances.

2. If a student has been ejected from a bus as the result of conduct specified in subsection (1) of this section, the driver shall notify the immediate supervisor who shall notify the appropriate district authorities, who shall subsequently notify the student's parent or legal guardian according to local board policy.

Section 19. A school bus driver shall stop the bus at all places where the roadway crosses a railroad track or tracks at the grade level. The stop shall be made not less than fifteen (15) feet and not more than fifty (50) feet from the nearest track.

(1) After making the stop, the driver shall:

(a) Set the parking brake;

(b) Shift to neutral;

(c) Activate the noise abatement switch;

(d) Open the service door and driver side window; and

(e) Carefully look in each direction and listen for approaching trains before proceeding.

(2) If visibility is impaired at a crossing, after stopping the driver may allow the vehicle to roll forward to gain required visibility before proceeding.

(3) When a driver has ascertained that it is safe for the bus to cross the railroad tracks, the driver shall:

(a) Close the bus entrance door;

(b) Shift the bus into the lowest gear;

(c) Release the parking brake;

(d) Proceed immediately to cross the railroad tracks; and

(e) Turn the noise abatement switch off when safe to do so.

Section 20. A driver shall perform and document a pretrip inspection of the bus safety and operating equipment each time that the bus is taken out for the transportation of pupils.

Section 21. (1) A school bus driver shall not operate the school bus at a speed in excess of the posted speed limit on any section of highways over which the bus travels.

(2) A driver shall not drive the school bus on any roadway at any time at a speed if the conditions of the roadway, weather conditions, or other extenuating circumstances may make it unsafe.

Section 22. A driver shall wear the driver's seat belt at all times that the bus is operated.

Section 23. A stop signal arm and flashing warning lights shall be used only at stops where pupils are boarding or leaving the bus.

Section 24. A driver shall not use tobacco products on the school bus and shall not permit pupils to use tobacco products on the school bus.

Section 25. A driver shall signal pupils to board or leave the bus when the driver has determined that any visible approaching traffic has come to a complete stop and is not attempting to start up or pass the bus.

Section 26. (1) A driver shall not operate a school bus while under the influence of alcoholic beverages or any illegal drug or other drug.

(2) A driver found under the influence of alcohol or any illegal drug while on duty or with remaining driving responsibilities that same day shall be dismissed from employment.

Section 27. A driver of a school bus shall be on the bus at all times students are loading or unloading.

Section 28. A driver shall inspect the school bus at the completion of each bus run to ensure that students do not remain on the bus.

Section 29. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Medical Examination Report", Form TC 94-35E and Supplement to TC 94-35E, October 2007;

(b) "Preemployment Road Test", Score Sheet January 2002; and

(c) "School Bus Drivers Curriculum Instructor's Manual", October 2007.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Pupil Transportation Branch, Department of Education, 15th Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (24 Ky.R. 1431; Am. 1879; eff. 3-16-98; 1932; 5-18-98; 25 Ky.R. 1463; eff. 2-18-99; 26 Ky.R. 173; eff. 9-16-99; 1590; eff. 4-12-2000; 27 Ky.R. 222; eff. 9-11-2000; 1069; eff. 12-21-2000; 1864; 2436; eff. 3-19-01; 3155; 28 Ky.R. 80; eff. 7-16-01; 455; 861; eff. 10-15-01; 1192; eff. 1-14-02; 1916; 2202; eff. 4-15-02; 2726; 29 Ky.R. 705; eff. 9-16-02; 1093; 1775; 2156; eff. 1-16-03; 2156; 2465; eff. 4-11-03; 2984; eff. 8-13-03; 30 Ky.R. 2107; eff. 5-24-04; 31 Ky.R. 1442; 1657; eff. 4-22-05; 32 Ky.R. 125; 481; eff. 10-7-05; 1332; 1614; eff. 3-31-06; 33 Ky.R. 227; 760; eff. 10-6-06; 2135; 2942; eff. 4-6-07; 34 Ky.R. 624; 1418; eff. 1-4-2008.)